

Article 11

Airport District

Section 11.01 Intent

- (a) **AP Airport District.** The AP Airport District is established to provide for uses, activities, facilities, and structures necessary for the safe and efficient operation of aircraft and for providing the services and facilities required to accommodate passengers, employees, pilots, tenants and guests of the La Porte and Michigan City airports. The AP Airport District also accommodates complementary commercial, industrial and transportation facilities that are compatible and customarily associated with airports.
- (b) **Airport Overlay District.** The Airport Overlay District is established to provide for safer operating conditions for aircraft in the area surrounding the La Porte and Michigan City airports by limiting the height of structures and vegetation. An airport hazard endangers the lives and property of users of the airport, and property or occupants of land in its vicinity. This district is therefore intended to promote the development of compatible land uses in the vicinity of the airports and along runway approaches that are exposed to higher aircraft noise levels. If an obstruction reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft it impairs the utility of the municipal airport and the public investment therein. This district is therefore intended to ensure all structures are in accordance with the airport approach plan. All developments shall be required to be reviewed by the Federal Aviation Administration (FAA), the Indiana Department of Transportation and the controlling airport entity prior to final approval by the applicable city or county.

Cities

County

Section 11.02 Uses

- (a) **AP Airport District.** The La Porte Airport Authority Board and the Michigan City Board of Aviation Commissioners shall have the authority to fix and determine exclusively the uses to which the airport lands may be put in accordance with IC 8-22-3-11. These uses include, but are not limited to the uses set forth in table 11.02.

Table 11.02
Schedule of Permitted Uses

Use P = Permitted by Right S = Requires special exception approval	AP	Use Requirements
Retail trade		
Convenience stores	P	
Convenience stores with gasoline sales	P	14.05(c)
Gift, souvenir handicraft stores	P	
Newsstands	P	
Motor vehicle dealers and service		
Automobile rental	P	
Automobile washes	P	14.05(b)
Vehicle service stations	P	14.05(c)
Accommodation and food services		
Cafeterias (as an accessory use)	P	
Delicatessens	P	

Table 11.02
Schedule of Permitted Uses

Use	AP	Use Requirements
P = Permitted by Right S = Requires special exception approval		
Hotels/motels	P	
Restaurants, carryout	P	
Restaurants, standard not including drive-thru/in	P	
Taverns and bars	P	
Finance, insurance, real estate, professional, scientific, and technical		
Offices, general and professional	P	
Travel agencies	P	
Health care and social assistance		
Day care centers, commercial/preschools (as an accessory use)	P	14.08(a)
Educational services		
Schools, commercial and trade	P	
Public administration		
Government buildings excluding correctional facilities	P	
Museums, civic buildings and landmarks preserved for public inspection	P	
Transportation and warehousing		
Airports and heliports	P	
Bus and passenger rail terminals	P	
Cartage, express, and parcel delivery establishments	P	
Freight terminals	P	14.13(a)
Parking structures as a principal use	P	
Taxicab dispatching	P	
Warehouses	P	
Manufacturing		
Petroleum tank farms (accessory to airport only)	P	14.14(a)
Utilities		
Public utility buildings	P	
Transmission lines for gas, oil and electricity	P	
Utility substations	P	
Single accessory wind energy conversion systems	P	14.15(b)
Wireless communication facility – collocation only	P	14.15(c)
Other Uses		
Other uses as determined by the La Porte Airport Authority Board and the Michigan City Board of Aviation Commissioners	P	

- (b) **Airport District Site Plan Approval.** All uses on the La Porte and Michigan City airport properties shall be subject to approval by the La Porte Airport Authority Board or the Michigan City Board of Aviation Commissioners, which shall have the authority to fix and determine exclusively the uses to which the airport lands may be put in accordance with IC 8-22-3-11. Uses on the La Porte and Michigan City airport properties shall not be subject to improvement location permit approval under article 23. Construction activity shall still be subject to the building permit and inspection requirements of the Building Code and other applicable codes.
- (c) **Airport Overlay District Uses.** The Airport Overlay District shall apply to all of the land lying with the approach zones, transitional zones, horizontal zones and conical zones for the La Porte and Michigan City municipal airports set forth in section 11.05. The uses permitted in the Airport Overlay District shall be regulated by the underlying zoning district. Where a use is allowed in the underlying zoning district, it may be allowed in the overlay district, except as provided for below.

- (1) Uses that the controlling airport entity or the FAA determines will increase the possibility of aircraft bird strikes such as ponds, waste disposal operations, wastewater treatment plants, certain agricultural uses and other uses that are considered wildlife attractants shall be prohibited near the airport and within the runway approaches as determined by the FAA AC 150/5200-33B Hazardous Wildlife Attractants Near Airports.
- (2) Any use that creates electrical interference with navigational signals or radio communication between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise in any way creates a hazard or endangers the landing, takeoff or maneuvering of aircraft intending to use the airport shall be prohibited.
- (3) Structures that constitute tall structures within the meaning of IC 8-21-10-3 may not be erected, altered or increased in height, except where the height of the structure is below the height limits of section 11.05 and a permit is obtained from the Indiana Department of Transportation under IC 8-21-10-3.
- (4) A person may not erect a building used for a noise sensitive purpose, including a residence, school, church, child care facility, medical facility, retirement home, or nursing home, within an area lying 1,500 feet on either side of the centerline and the extended centerline of a runway for a distance of one (1) nautical mile from the boundaries of any public use airport unless:
 - a. A permit for construction in a noise sensitive area has been approved by the Indiana Department of Transportation;
 - b. The holder of a permit for construction in a noise sensitive area has filed a copy of the permit for construction in a noise sensitive area with the county recorder of La Porte County with notice provided to the airport at the time of the filing of the application for a permit; and
 - c. A certified copy of the recorded permit for construction in a noise sensitive area, with the recording data from the county recorder on the copy of the permit, has been received by the department.
- (5) For the La Porte Municipal Airport, the noise sensitive use area has been defined and recorded for public review in the Office of the Recorder of La Porte County as Document No. 99-20807.

Section 11.03 Lot Area and Width Requirements

- (a) **Lot Sizes.** There are no minimum lot area or width requirements in the AP district. Lot area and width requirements in the Airport Overlay District shall be regulated by the underlying zoning district.
- (b) **Community Sewer.** Any lot not served by community sewer shall be subject to State and County Health Department regulations regarding accommodation of septic or other onsite systems, which shall dictate minimum lot area requirements.
- (c) **Subdivision of Land.** All divisions to land shall be subject to the requirements set forth in the Subdivision Regulations of La Porte County, city of La Porte or city of Michigan City, as applicable.

Section 11.04 AP Airport District Building Dimensional Requirements

All structures in the AP Airport District shall be subject to the dimensional regulations of the following table.

**Table 11.04
Building Dimensional Requirements**
Min. setbacks from perimeter of AP Airport District
(ft.) (a, b, c, d)

District	Max. building height	Min. setbacks from perimeter of AP Airport District (ft.) (a, b, c, d)	
		Public Road	Adjacent Non-AP Property Line
AP Airport District	As determined by FAA	40	10

- (a) **Setbacks.** The setback requirements shall apply to the perimeter of AP Airport District and be provided from any abutting public roads or adjacent lots not zoned AP Airport District. Setbacks internal to any municipal airport property shall be as determined by the La Porte Airport Authority Board and the Michigan City Board of Aviation Commissioners in accordance with IC 8-22-3-11.
- (b) **Projections into Yards.** All required yard spaces shall remain as landscaped open space, except for accessory structures and architectural features that are allowed to extend or project into required setbacks under Section 15.05.
- (c) **Yards Maintained as Landscaped Open Space.** All buildings shall meet the setback requirement. Setback areas shall be provided with landscape greenbelts and buffer zones as required in sections 17.02 and 17.03.
- (d) **Wetlands.** A minimum setback of 25 feet shall be maintained from all wetlands. The setback may be adjusted according to requirements of Natural Resource Preservation Guidelines.

Section 11.05 AIRPORT OVERLAY DISTRICT REQUIREMENTS

- (a) **Airport Overlay District.** In order to carry out the provisions of this article, there are created and established certain zones which include all of the land lying with the approach zones, transitional zones, horizontal zones and conical zones as they apply to a particular airport. Such zones are shown on the municipal airport hazard zoning maps for the La Porte and Michigan City municipal airports, which are attached to the ordinance codified in this article and made a part of this article. An area located in more than one of the zones set forth in this division is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows. La Porte and Michigan City municipal airports both have non-precession instrument runways,
 - (1) **Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - a. 5,000 feet for all runways designated as utility or visual;
 - b. 10,000 feet for all other runways, including the La Porte and Michigan City municipal airports. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- (2) **Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (3) **Primary surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway.
- a. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The airport elevations are:
 1. The La Porte airport elevation is 812 feet above mean sea level.
 2. The Michigan City airport elevation is 655 feet above mean sea level.
 - b. The width of a primary surface is:
 1. 250 feet for utility runways having only visual approaches.
 2. 500 feet for utility runways having nonprecision instrument approaches.
 3. For other than utility runways the width is:
 - i. 500 feet for visual runways having only visual approaches.
 - ii. 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - iii. 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
 - c. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.
- (4) **Approach surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 1. 1,250 feet for that end of a utility runway with only visual approaches;
 2. 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 3. 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
 4. 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 5. 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
 6. 16,000 feet for precision instrument runways.
 - b. The approach surface extends for a horizontal distance of:
 1. 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 2. 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

3. 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
 - c. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- (5) **Transitional surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
 - (6) **Heliport primary surface.** The area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
 - (7) **Heliport approach surface.** The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
 - (8) **Heliport transitional surfaces.** These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.
- (b) **Permits.** All applications under this ordinance for land located within the Airport Overlay District shall be subject to the requirements of this article and all structures and trees shall comply with the limitations of this article.
- (1) All applications to the city or county for site plan review, subdivision plat review and location improvement permits within the Airport Overlay District must submit a Notice of Proposed Construction or Alteration, FAA Form 7460-1 to the FAA.
 - (2) Permits shall be obtained from the Indiana Department of Transportation as required by IC 8-21-10-3.
 - (3) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance.
 - (4) A permit for a tree or structure of less than 50 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure because of terrain, land contour, or topographical features would extend above the height limit prescribed for the respective zone.
- (c) **Dimensional Requirements for Underlying Zoning District.** The dimensional requirements for lots location in the Airport Overlay District shall be regulated by the underlying zoning district, except for the height regulations and other requirements of this section.
- (d) **Height Limits.** Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the FAA shall be in accordance with requirements set forth in the approach plan. All structures and vegetation within the Airport Overlay District shall not exceed the height limits set by the FAA and contained in the approach plan. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

When the underlying zoning district height limit is more restrictive than the FAA height limit, then the underlying zoning district controls.

- (1) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
 - a. A height of 500 feet above ground level at the site of the object.
 - b. A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
 - c. A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - d. A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.
 - e. The surface of a takeoff and landing area of an airport or any imaginary surface established under section 11.05(a). However, no part of the take-off or landing area itself will be considered an obstruction.
- (2) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of subsection 11.05(d)(1) apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
 - a. 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
 - b. 15 feet for any other public roadway.
 - c. 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - d. 23 feet for a railroad, and,
 - e. For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.
- (e) **Variiances.** Any request for a variance to the height limits shall require a determination of no hazard by the FAA, which demonstrates that no lighting is required. The La Porte Municipal Airport Authority or the Michigan City Board of Aviation Commissioners, as the case may be, shall approve the variance to the height limits prior to being considered by the Board of Zoning Appeals under article 28. To be effective, any variance granted under this article requires approval by the Airport Board pursuant to IC 8-22-3-14(b). Any variance granted shall be so conditioned as to require the owner of the structure or tree to install, operate and maintain markers or lights to indicate to pilots the presence of an airport hazard, if required by the La Porte Airport Authority Board or the Michigan City Board of Aviation Commissioners.
- (f) **Nonconforming Structures.** The regulations prescribed by this article shall not be construed to require the removal, lowering or other changes or alterations of any structure or trees not conforming

to the regulations as of the effective date of the ordinance codified in this article, or otherwise interfere with the continuance of a nonconforming structure subject to the provisions of Article 29.

- (1) **Markers and Lights.** The owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the La Porte Airport Authority Board or the Michigan City Board of Aviation Commissioners to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the La Porte Airport Authority Board or the Michigan City Board of Aviation Commissioners.
- (2) **Abandonment or Destruction.** Whenever the La Porte Airport Authority Board or the Michigan City Board of Aviation Commissioners determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.